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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,827	12/11/2003	Andrea Dianne Dupree	GGPL122090	2173

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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
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3677

MAIL DATE	DELIVERY MODE
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05/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/733,827

Applicant(s)

DUPREE ET AL.

Examiner

Ruth C. Rodriguez

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 15 March 2007 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 19 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The newly added limitation that "inserting said second loop through said first opening without rotating said central axis of said first opening more than 45 degrees from said static condition with respect to said central axis of said second opening" renders the claim indefinite because it is unclear how the Applicant's invention meets

this claim limitation when one of the loops has to rotate around the handle more than 45 degrees before being able to enter the other loop. Therefore, this limitation is not being considered for purpose of examination.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15, 16, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crouch.

Crouch teaches a method of using a coupling device (10) for providing redundant attachment between an arm of a user and a device (26) having a closed handle (38) (Figs. 5 and 6). The method comprises (a) obtaining a coupling device (10) having first and second ends (16,18) where the first end (16) includes a first loop (20) defining a first opening (22) and the second end (18) includes a second loop (20) defining a second opening (22); (b) routing either the first loop or the second loop through the closed handle (Fig. 2); (c) inserting the second loop through the first opening (Fig. 3); and (d) pulling the second loop through the first opening to tighten the coupling device to the closed handled device (Fig. 4). The first opening is sized substantially equal to the second opening. Crouch fails to disclose that the second opening is larger.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first opening is sized to be smaller than the second opening since a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955). Especially since Crouch fails to disclose that the first opening must be equal to the second opening and since the disclosure of the application fails to provide any advantages or unexpected result obtained by having the first opening is sized to be smaller than the second opening.

The method further comprises sliding the second loop over a wrist of a user (Fig. 6).

A method of using a coupling device (10) for providing redundant attachment between an arm of a user and a device (26) having a closed handle (38) (Figs. 5 and 6). The method comprises (a) obtaining a coupling device (10) having first and second ends (16,18) where the first end (16) includes a first loop (20) defining a first opening (22) and the second end (18) includes a second loop (20) defining a second opening (22). The central axis of the first opening is non-parallel with the central axis of the second opening (when the coupling is being used as shown in Figs. 4-6); (b) routing the first loop through the closed handle (Fig. 2); (c) inserting the second loop through the first opening (Fig. 3); and (d) pulling the second loop through the first opening to tighten the coupling device to the closed handled device (Fig. 4).

The method further comprises sliding the second loop over a wrist of a user (Fig. 6).

6. Claims 17, 18 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crouch in view of Elkins (US 6,216,319 B1).

Crouch discloses all the steps claimed above in paragraph 4 for the rejection of claims 15 and 16. Crouch fails to disclose that the coupling device further comprises a size adjustment collar slidably coupled to the second loop. However, Elkins teaches a coupling device (10) for providing redundant attachment between an arm of a user and a device (30) (Fig. 6). The device comprises a first end having a loop (14) defining an opening (Figs. 1 and 6). The coupling device further comprises a size adjustment collar (16) slidably coupled to the loop (Figs. 1 and 6). The size adjustment collar is provided to allow the loop to fit over the user's arm and then be readily adjusted to a user's wrist to be secured thereto (C. 2, L. 56-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the size adjustment collar slidably coupled to the loop as taught by Elkins in the second loop of the device disclosed by Crouch since this loop is the one that engages the user's wrist. Doing so, allows the loop to fit over the user's arm and then be readily adjusted to a user's wrist to be secured thereto.

Elkins teaches that the method of using the coupling device comprises sliding the size adjustment collar along the second loop in the direction of the user's wrist (C. 2, L. 50-60 and Fig. 6).

Regarding claim 23, a combination of base claim 15 with the limitations of claims 17 and 18 will yield the claimed invention.

Response to Arguments

7. Applicant's arguments filed 19 June 2006 have been fully considered but they are not persuasive.

8. For claim 15, 18 and 23, the Applicant argues that Crouch fails to disclose that "wherein a central axis of said first opening is non-parallel with a central axis of said second opening when said coupling device is in its static condition". This argument fails to persuade because it has been held that to be entitled to weight in method claim, the recitation structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. *Ex part Pfeiffer*, 1962 C.D. 408 (1961). Especially since the claim does not have any method limitation that is not been met with the current rejection.

9. The other argument presented is that Crouch fails to disclose that "inserting said second loop through said first opening without rotating said central axis of said first opening more than 45 degrees from said static condition with respect to said central axis of said second opening". The Examiner fails to be persuaded by this limitation because this limitation is considered indefinite. The limitation is unclear because the second loop needs to be rotated more than 45 degrees in order to route the second loop around the handle and then inserted into the first opening.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Norton (US 4,982,522), Elkins (US 6,216,319), Robinson (US 2003/0173382), Miller (US D 488,924 S) and Sinclair (US 6,843,393 B2) are cited to show state of the art with respect to the use of a size adjustment collar for a coupling device.

Braun (US 5,082,156), Peterson (US 5,234,245), Hakedal et al. (US 5,353,538), Moore (US D 377,862), Crouch (US 6,447,037 B1) and Kahn (US 6,641,011 B1) are cited to show state of the art with respect to coupling devices having some of the features being claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
May 14, 2007



JJ Swann
Supervisory Patent Examiner
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